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OFFICE OF PETITIONS

In re Application of

Chyuan Feng Tsay

Application No. 10/067,355

Filed: February 7, 2002

Attorney Docket No.

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed July 27, 2006.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on February 21, 2003, after it was believed that no response was received to the non-final Office action mailed November 20, 2002. The non-final Office action allowed a period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on June 25, 2003, indicating that a reply to the non-final Office action was not received.

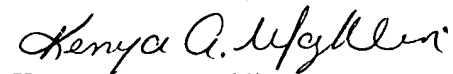
The instant petition maintains that an amendment responsive to the non-final Office action was transmitted via facsimile on February 19, 2003. A copy of the amendment containing a certificate of facsimile transmission dated February 19, 2003, and noting four pages as having been successfully transmitted to a USPTO fax line on February 19, 2003, accompanied the petition.

The response submitted February 19, 2003, has not been located in the Office. In view of the evidence submitted, the response is deemed timely. Petitioner is cautioned, however, that all correspondence (with a few exceptions) transmitted by facsimile should be directed to the central facsimile number of (571) 273-8300. See *MPEP* 502.01.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

Inquiries regarding this decision may directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 3700, GAU 3754, for further processing including processing of the amendment filed with the instant petition on July 27, 2006.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions